



Public Notice

US Army Corps
of Engineers
Memphis District
200400526

REPLY TO ATTN: Randy Clark
U.S. Army Corps of Engineers
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
Telephone: (901) 544-0735
Fax (901) 544-3266
EMail: James.R.Clark@usace.army.mil
POSTMASTER PLEASE POST UNTIL:

PUBLIC NOTICE NO:
KY-2004-526 (RC)
REFERENCE NUMBER:
200400526
PUBLIC NOTICE DATE:
August 2, 2004
EXPIRATION DATE:
September 1, 2004

Joint Public Notice
Corps of Engineers
and
State of Kentucky

AUTHORITY: Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

APPLICANT: Phillip Amberg
2880 Street Route 125
Hickman, Kentucky 42050-8261
(270) 236-3643

LOCATION: The project is located in Fulton County, Kentucky, at approximate latitude 36-31-28.9343 and longitude 89-5-59.0657 on the Cayce 7.5 minute quadrangle map along an unnamed tributary of Mud Creek.

PURPOSE: The purpose of the project is to maintain the consistent stream flow to improve adjacent agricultural usage. Under the present condition eroding banks and the continual falling of vegetation into the stream creates significant maintenance.

DESCRIPTION OF WORK: The project involves sloping of banks along approximately one mile of stream (see enclosed map). Banks will be sloped back approximately 10 to 20 feet at a 5H to 1V slope. Approximately 0.50 acres are below ordinary high water and is jurisdictional. In addition to the sloping project, approximately 1,818 feet of stream will be straightened (see enclosed map). The backfilling associated with the straightening will impact approximately 0.04 acres. Wetland vegetation occurring within this zone include species of sycamore, river birch, black willow, red maple, and boxelder. After project completion the site will be seeded and maintained in a permanent vegetative filter strip. Mitigation for the impacts below ordinary high water (0.50 acres) will include reestablishing wetlands at a 2:1 ratio on site (see enclosed map).

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Department of Environmental Protection, Division of Water that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341(a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

ENDANGERED SPECIES: No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

CULTURAL RESOURCES: The Memphis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a reconnaissance survey of the project area.

FLOOD PLAIN: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and apprise this office of any flood plain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: If you wish to obtain additional information or to submit comments on the application, please contact Randy Clark at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-0735. Copies of all comments, including the names and address of commenters, may be provided to the applicant for consideration and response prior to a decision by the Corps.

Comments should be received by September 1, 2004 .



Larry D. Watson
Chief
Regulatory Branch

Enclosures

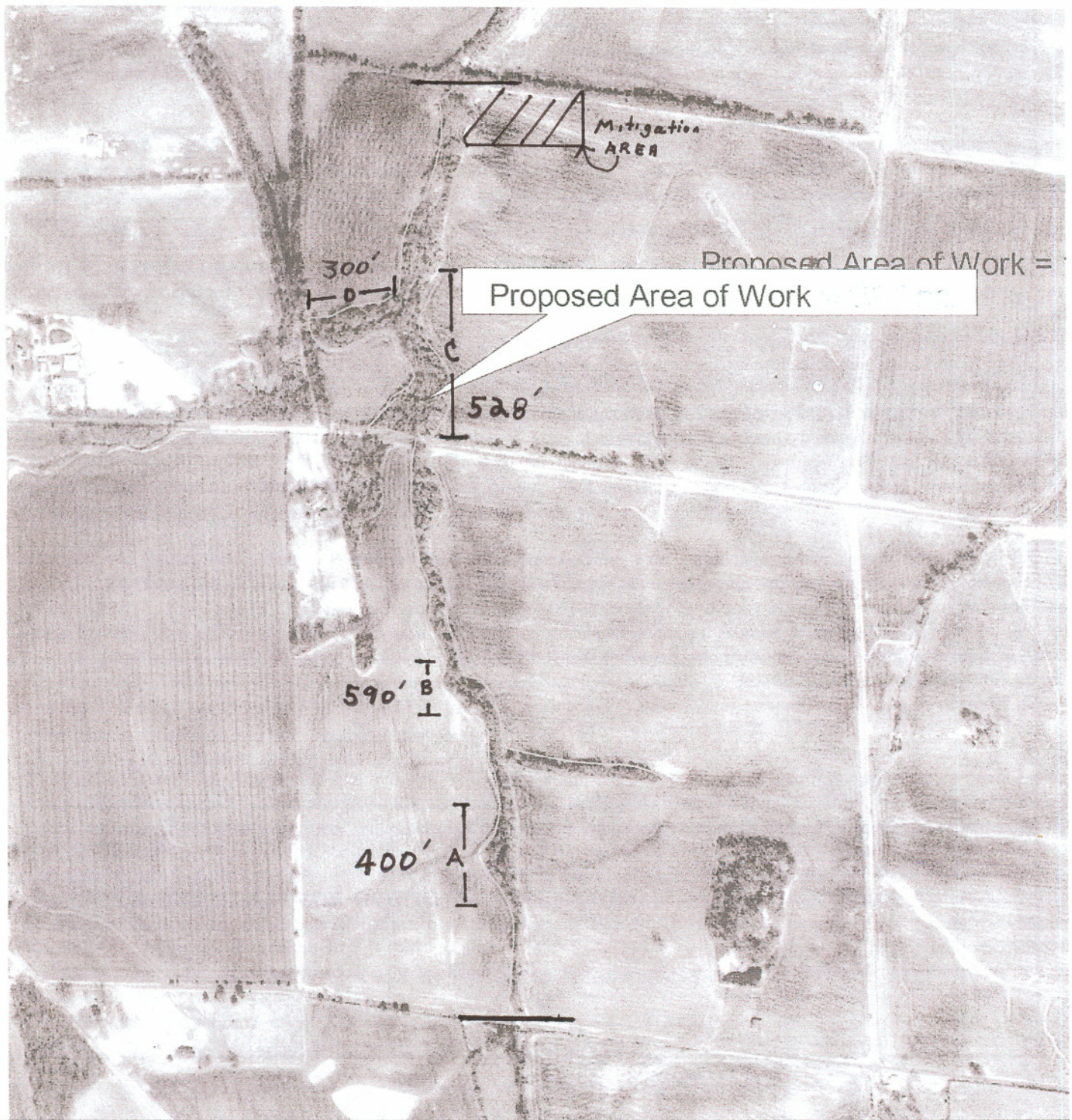
Conservation Plan Map T-388

G.T. Hepler & Phillip Amberg

Fulton County Conservation District

USDA - NRCS

Jackie Franklin, District Conservationist



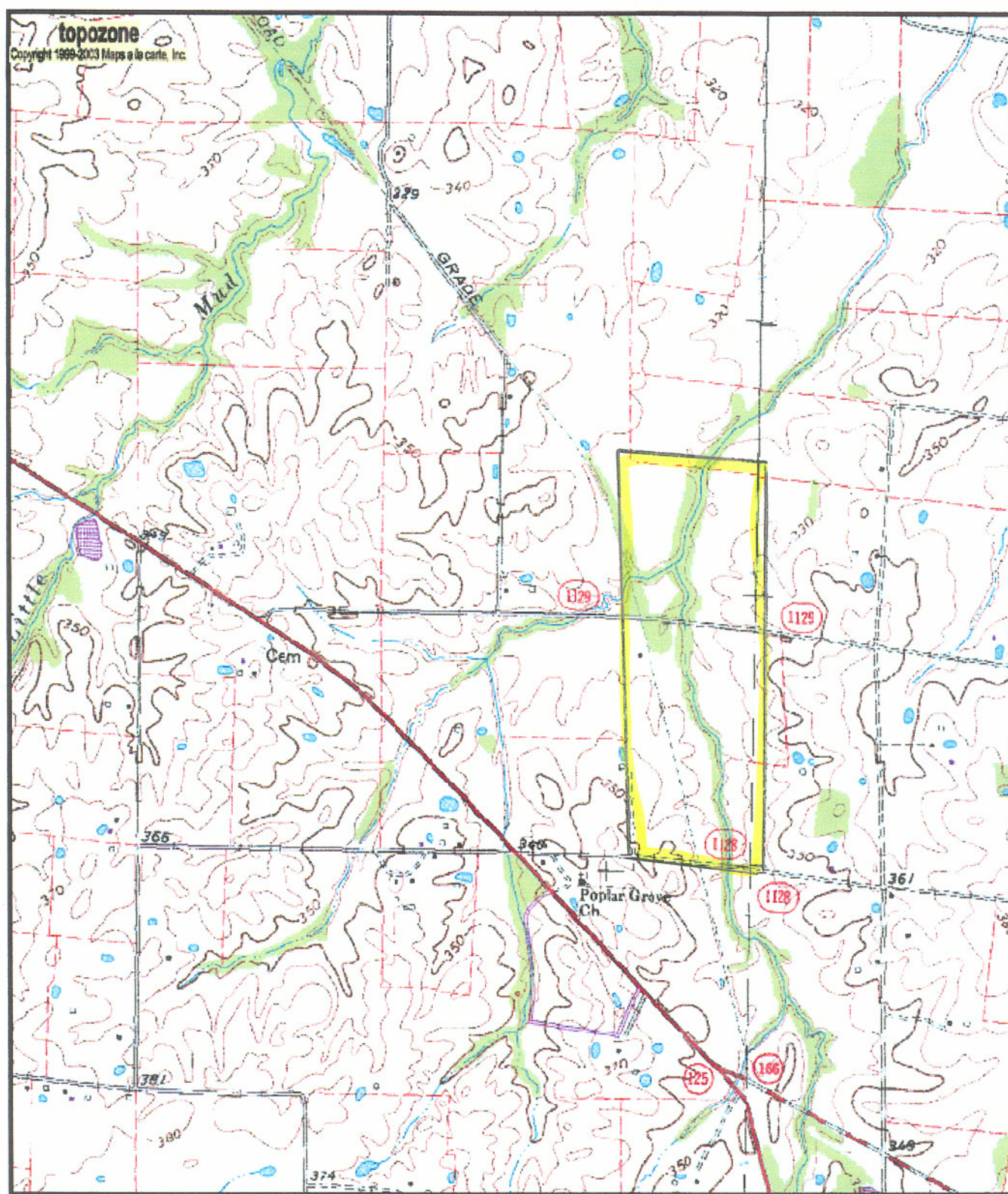
 **NRCS** Natural Resources
Conservation Service

Scale 1:7920
(1" = 660')

| Legend | |
|----------------|----------------------------|
| Outer Boundary | Conservation Plan Boundary |
| Existing Water | Conservation Plan Boundary |
| Proposed Water | Conservation Plan Boundary |
| Proposed Water | Conservation Plan Boundary |
| Proposed Water | Conservation Plan Boundary |

 **USDA**





Map center is UTM 16 308959E 4046097N (WGS84/NAD83)

Hickman quadrangle

Projection is UTM Zone 16 NAD83 Datum

M=-0.787
G=-1.271